

### REMARKS

Claims 1-15 and 24-42 remain pending. No new matter has been added.  
Claims 1-15 and 24-42 are rejected herein.

### Rejections 35 U.S.C. 103

Claims 1-9, 24-32 and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chawla (2002/0142788) in view of Dennison (2008/0014965) in further view of Larson (7,295,855). The rejection is respectfully traversed for the following rational.

Applicants have reviewed Chawla, Dennison and Larson and respectfully submit that the claimed features of Claims 1-9, 24-32 and 33-42 are patentable over Chawla alone and in combination with Dennison and Larson.

Applicants respectfully submit that Chawla fails to teach or suggest the claimed features of Independent Claims 1, 24 and 32. Specifically, Applicants submit that Chawla fails to teach or suggest “determining if said geographic interference contour and said neighboring service contour overlap” and fails to teach or suggest “controlling transmissions from said mobile transmitter in order to comply with communication regulations,” as claimed.

With Chawla, transmissions are modified based on path loss. Specifically, Chawla teaches “the determined path losses are used to form the signal propagation characterization which can be used to predict signal strength received at locations of the measuring wireless terminals based on a corresponding increase or decrease in the base station transmission power” (paragraph 0012).

Additionally, Chawla fails to teach or suggest modifying transmissions to reduce interference with a neighboring service area. In fact, Chawla teaches away from this claimed feature in paragraph 0026 by teaching “overlap regions exist between the service areas 105-115 to enable hand-offs between adjacent base stations to provide

substantially uninterrupted communications of a wireless terminal as it travels across service area boundaries.” With Chawla, the neighboring service area is utilized by the mobile device to enable “hand-offs” which teaches away from “controlling transmissions from said mobile transmitter to avoid an overlap of said geographic interference contour and said neighboring service contour,” as claimed.

Additionally, Applicant submits that the Examiner’s rejection of the Claims is improper as the rejection does not satisfy the requirements of a *prima facie* case of obviousness. Firstly, the proposed combination changes the principle of operation of the prior art being modified, and secondly the proposed modification renders the prior art being modified unsatisfactory for its intended purpose.

Applicants submit that modifying Chawla with the teachings of Dennison and further modifying Chawla with the teachings of Larson clearly change the principal mode of operation of Chawla.

*PRIMA FACIE* CASE OF OBVIOUSNESS NOT MET BECAUSE CITED  
COMBINATION CHANGES PRINCIPLE OF OPERATION OF PRIOR ART BEING  
MODIFIED

According to MPEP 2143.01(VI), “[i]f the proposed modification or combination of the prior art would change the principle of operation of the invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)” (emphasis added).

For this rational, Applicants believe Independent Claims 1, 24 and 33 are patentable over Chawla in view of Dennison and Larson. As such, Applicants believe

Claims 1-9, 24-32 and 33-42 are patentable over Chawla in view of Dennison and Larson and Applicants respectfully request the rejection be removed.

Claims 6, 10-15, 29 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chawla in view of Dennison in view of Larson and yet in further view of Bromham (2003/0119445). The rejection is respectfully traversed for the following rational.

Applicants have reviewed Chawla in combination with Dennison, Larson and Bromham and respectfully submit that the claimed features of Claims 1-9, 24-32 and 33-42 are patentable over Chawla alone and in combination with Dennison, Larson and Bromham for the following rational.

For the reasons presented above, Applicants submit Chawla fail to teach or suggest the claimed features of Independent Claims 1, 24 and 33 and that modifying Chawla with the teachings of Dennison and Larson would change the principal mode of operation of Chawla.

Applicants further submit that Bromham fails to remedy deficiencies of combining Chawla, Dennison, and Larson in that modifying Chawla with the teachings of Dennison, Larson and yet further modifying Chawla with Bromham further changes the principal mode of operation of Chawla.

For this rational, Applicants submit Independent Claims 1, 24 and 33 are patentable over Chawla alone and in combination with Dennison, Larson and Bromham. As such, Applicants submit Claims 6, 10-15, 29 and 40 are patentable over Chawla alone and in combination with Dennison, Larson and Bromham and Applicants respectfully request the rejection be removed.

Conclusion

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, BLECHER LLP

Date: July 2, 2009

/John P. Wagner, Jr./

John P. Wagner, Jr.  
Reg. No. 35,398

WESTRIDGE BUSINESS PARK  
123 WESTRIDGE DRIVE  
WATSONVILLE, CALIFORNIA 95076  
(408) 377-0500